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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/557,690	04/25/2000	Hung Nguyen	68702	8537

22242 7590 11/26/2003

FITCH EVEN TABIN AND FLANNERY  
120 SOUTH LA SALLE STREET  
SUITE 1600  
CHICAGO, IL 60603-3406

EXAMINER

RAMPURIA, SHARAD K

ART UNIT	PAPER NUMBER
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2683

10

DATE MAILED: 11/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/557,690

Applicant(s)

NGUYEN ET AL.

Examiner

Sharad Rampuria

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9 is/are allowed.
- 6) ☒ Claim(s) 10-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**Response to Appeal Brief**

In view of the applicant's response filed on 6/3/03, PROSECUTION IS HEREBY REOPENED set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b) (2).

Claims 1-9 are allowed.

**Response to Amendment**

Applicant's arguments with respect to claims 10-13 have been considered but are moot in view of the new ground(s) of rejection.

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 10, is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsui in view of Kobayashi.

10. Regarding claim 10, Tsui disclosed A method of digitally controlling the frequency of a receiver (abstract) comprising the steps of:

providing a controller for controlling the operation of said signal diode to alter the discrete component makeup of the bandpass filter to adjust frequency; (col.6; 49-67) and  
outputting signals to said diode to alter the bandpass filter frequency. (col.6; 49-67)

Tsui fails to disclose a bandpass filter. However, Kobayashi teaches in an analogous art, that providing a bandpass filter; (10; fig.1; col.4; 44-50); providing a signal diode connecting additional discrete components to said bandpass filter; (col.4; 44-50) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include a bandpass filter in order to provide an active tuneable band-pass filter.

Claims 11-13, are rejected under 35 U.S.C. 103(a) as being unpatentable over Duhamel in view of Kobayashi.

11. Regarding claim 11, Duhamel disclosed A method of receiving a receiver actuating signal (abstract; col.3; 21-27) comprising the steps of:

providing a receiver having multiple input devices coupled to a microprocessor (706; Fig.7) and receiver circuitry; (col.7; 38-50)

Duhamel fails to disclose adjusting said receiver circuitry to receive a particular code at a particular frequency based on the position of said multiple input devices and output from said microprocessor. However, Tsui teaches in an analogous art, that adjusting said receiver circuitry to receive a particular code at a particular frequency based on the position of said multiple input devices and output from said microprocessor; (col.6; 49-67) and receiving said receiver actuating signal. (Col.8; 46-52) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include adjusting said receiver circuitry to receive a particular code at a particular frequency based on the position of said multiple input devices and output from said microprocessor in order to provide a receiver controller system for garage door opener.

12. Regarding claim 12, Duhamel disclosed the method of claim 11 wherein one of said multiple input devices is a multi-positioned switch which determines the code to be received as said receiver actuating signal based upon the position of said multi-positioned switch. (Col.3; 56-66)


13. Regarding claim 13, Duhamé disclosed the method of claim 12 wherein another of said multiple input devices is a dual in-line packaged switch (dual in line package; Col.3; 56-66) having multiple inner switches which determines a bit pattern to be received as said receiver actuating signal based upon the position of said inner switches. (Col.3; 56-66)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is 703-308-4736. The examiner can normally be reached on Mon-Thu. (8:15-5:45) alternate Fri. (8:15-4:45).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Sharad K. Rampuria  
November 24, 2003

  
WILLIAM TROST  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600